

REGULAR MEETING
March 13, 2006

The Regular Meeting of the Annapolis City Council was held on March 13, 2006 in the Council Chamber. Mayor Moyer called the meeting to order at 7:35 p.m.

Present on Roll Call: Mayor Moyer, Aldermen Israel, Christman, Alderwomen Hoyle, Taylor, Cordle, Stankivic, Shropshire, Cohen

Staff Present: City Attorney Spencer, Coordinator of Community and Social Programs Spencer, Acting Public Works Director Patmore, Fire Department Chief Smith, Planning & Zoning Director Arason

AWARDS

- Mayor Moyer and Coordinator of Community and Social Programs Spencer acknowledged the following employees:

Harold Dalton, Police Department 30 Years of Service
Walter Weldon, Fire Department 35 Years of Service
Tyler W. Steed, Retiree, Fire Department 22 Years of Service
Thomas G. Hannon, Retiree, Police Department 21 Years of Service
Eugene E. Griffith, Retiree, Transportation Department 27 Years of Service
Mary C. Bronson, Retiree, Transportation Department 20 Years of Service

- Mayor Moyer, Acting Public Works Director Patmore and Assistant to the Public Works Director Patrick acknowledged the 2005 Co- Employees of the Year:

Elvis Makell, Public Works Department Employee of the Year 2005
Warren Johnson, Public Works Department Employee of the Year 2005

PRESENTATIONS

National Science Foundation’s Office of Polar Programs

Peter West 727 Shiloh Court, Davidsonville, Maryland 21035 spokesperson for the National Science Foundation’s Office of Polar Programs presented Mayor Moyer with a Certificate from the U.S. Antarctic Program.

- Alderwoman Hoyle moved to approve the Journal of Proceedings for February 13, 2006 Special and, February 27, 2006 Regular. Seconded. CARRIED on voice vote.

PETITIONS, REPORTS AND COMMUNICATIONS

Community Grant Applicants

- American Red Cross

Volunteer Katie Stewart, 4800 Mount Hope Drive, Baltimore, Maryland 21215 present and testified on behalf of the grant application.

Volunteer & Board Member Marc Elim, 4800 Mount Hope Drive, Baltimore, Maryland 21215 representing the American Red Cross also testified on behalf of the grant application.

- Annapolis and Anne Arundel County Conference and Visitors Bureau (AAACCVB)

Connie Del Signore, 26 West Street, Annapolis, Maryland 21401 present and

testified on behalf of the grant application.

Board Member Robert L. Zuchelli, 8 Martin Street, Annapolis, Maryland 21401 representing Annapolis and Anne Arundel County Conference and Visitors gave a brief presentation on the expansion and testified on behalf of the grant application.

- Mount Olive Community Development Corporation

Mary Wilson, 2 Hicks Avenue, Annapolis, Maryland 21401 present and testified on behalf of the grant application.

Lynne Valerie Jones, 2081 Forest Drive, Annapolis, Maryland 21401 was also present and testified on behalf of the grant application.

- Parole Community Technology Center (F-Life, Inc.)

Lynne Jones, 2081 Forest Drive, Annapolis, Maryland 21401 present and testified on behalf of the grant application.

- Annapolis Baseball Club

David Kelly, 16 Franklin Street, Annapolis, Maryland 21401 present and testified on behalf of the grant application.

Stephen Mchale, 905 River Falls Court, Annapolis, Maryland 21401 also present and testified on behalf of the grant application.

- Annapolis Maritime Museum

Jeff Holland, P.O. Box 3088, Annapolis, Maryland 21403 present and testified on behalf of the grant application.

Buck Buchanan, P.O. Box 3088, Annapolis, Maryland 21403 also present and testified on behalf of the grant application.

- Annapolis, Londontown SCHHA (ALTSCHA or Heritage Area)

Donna Dudley, 44 Calvert Street, MS1106, Annapolis, Maryland 21401 present and testified on behalf of the grant application.

- Maryland Hall for the Creative Arts, Inc

Linnell Bowen, 801 Chase Street, Annapolis, Maryland 21401 present and testified on behalf of the grant application.

- Annapolis Symphony Orchestra, Inc

Lee Streby, 801 Chase Street, Annapolis, Maryland 21401 present and testified on behalf of the grant application.

- Anne Arundel Conflict Resolution Center (AACRC)

Linda Rowan Deming, 2666 Riva Road, Suite 130, Annapolis, Maryland 21401 present and testified on behalf of the grant application.

- University of Maryland, Archaeology of Annapolis

Mark P. Leone, 3112 Lee Building, College Park, Maryland 20742 present and testified on behalf of the grant application.

- The Bay Theatre Company, Inc

Lucinda Merry-Browne, P.O. Box 5201, Annapolis, Maryland 21403 present and testified on behalf of the grant application.

- Clay Street Computer Learning Center

Director Mary Wolf, 1720 Long Green Drive, Annapolis, Maryland 21401 present and testified on behalf of the grant application.

- First Night Annapolis

Director Robert Keil, 1616 Forest Drive, Annapolis, Maryland 21403 present and testified on behalf of the grant application.

Program Manager Scott L. Preston, 1522 Hickory Wood Drive, Annapolis, Maryland 21409 representing First Night Annapolis was also present and testified on behalf of the grant application.

- Historic Annapolis Foundation - History Quest

Gregory Stiverson, 18 Pinkney Street, Annapolis, Maryland 21401 present and testified on behalf of the grant application.

Barry Jackson, 18 Pinkney Street, Annapolis, Maryland 21401 was also present and testified on behalf of the grant application.

- OIC of Anne Arundel County, Inc

Van Neild, 1908 Forest Drive, Suite H, Annapolis, Maryland 21401 present and testified on behalf of the grant application.

- Restoration Community Development Corporation

Sheryl Menendez, 914 Bay Ridge Road, Suite 230, Annapolis, Maryland 21403 present and testified on behalf of the grant application.

- Volunteer Center for Anne Arundel County

Fay Mauro, 2666 Riva Road, Suite 130, Annapolis, Maryland 21401 present and testified on behalf of the grant application.

Volunteer Christopher Paul Accinelli, 102 Simms Drive, Annapolis, Maryland 21401 spoke in favor of the grant application.

- We Care & Friends

President Larry Griffin, 92 W. Washington Street, Annapolis, Maryland 21401 present and testified on behalf of the grant application.

Vice President Rachel Griffith, 92 W. Washington Street, Annapolis, Maryland 21401 present and testified on behalf of the grant application.

Sarah Callanan, 92 W. Washington Street, Annapolis, Maryland 21401 was present and spoke in favor of the grant application.

Michael Tumes, 1202 Bay Highland Drive, Annapolis, Maryland 21403 was also present and testified on behalf of the grant application.

- Chesapeake Children's Museum

Deborah Wood, PhD, 13032 Swan Drive, Annapolis, Maryland 21401 present and testified on behalf of the grant application.

General Public

Tony I Evans, 3 Constitution Square, Annapolis, Maryland 21401 regarding money received for use of vans during the 2005 Election, the 30 million dollars spent in Iraq, the need for signs printed in Spanish, the request for a good Annapolis brochure, and the availability of meeting rooms in Maryland Hall.

- Alderman Shropshire moved to continue the Legislative Action. Seconded. CARRIED on voice vote.

LEGISLATIVE ACTION
ORDINANCES

O-37-05 For the purpose of expanding eligibility for Moderately Priced Dwelling Units (MPDUs) from teachers in schools located only within the City's boundaries to all teachers at any school located in the Annapolis Senior High School district; and all matters generally relating to said eligibility for MPDUs.

- Alderman Cohen moved to adopt O-37-05 on second reading. Seconded.

The Rules and City Government Committee reported favorably with amendments on O-37-05.

Planning and Zoning Director Arson gave a brief presentation and answered question from the Council.

- Alderwoman Hoyle moved to amend O-37-05 as follows:

Amendment #1

On page 1 strike lines 13 through 16 and substitute the following:

“FOR the purpose of expanding eligibility for Moderately Priced Dwelling Units (MPDUs) from teachers in schools located only within the City’s boundaries to all teachers at any school located in the Annapolis Senior High School district; making condominium conversions approved after June 14, 2004 subject to MPDU requirements; and all matters generally relating to said eligibility for MPDUs.”

On page 1 strike lines 18 and 19 and substitute the following:

“BY repealing and re-enacting ~~section 20.30.020~~ the following of the Code of the City of Annapolis, 2005 2006 Edition:
Section 20.30.020
Section 20.30.030”

On page 4 in line 3 insert the following:

“Section 20.30.030 Applicability.

A. Compliance with the provisions of this chapter shall be required as a condition of approval for all residential development except that compliance with the provisions of this chapter shall not be required as a condition of approval for:

1. A planned development, or any residential development which requires special exception approval, for which special exception approval has been obtained on or

before the effective date of Ordinance No. O-7-03; or

2. A residential development not requiring special exception approval and for which record plat approval has been obtained on or before the effective date of Ordinance O-7-03.

3. Any conversion from a residential rental property to a condominium property for which condominium approval has been obtained prior to (the effective date of Ordinance O-37-05). As used herein "condominium approval" shall mean when a condominium property has been registered with the Secretary of the State, as set forth under Section 11-127 of the Real Property Article of the Maryland Code.

B. An applicant may not avoid this chapter by submitting phasing of new development in increments below the thresholds established in Section 20.030.020(A), the first being after the effective date of this chapter.

C. An applicant may submit a request for residential development below the thresholds set forth in Section 20.030.02(A), but the applicant must agree in writing that when unit thresholds are reached, the applicant will meet the requirements of this chapter."

Amendment #2

On page 4 in line 3 insert the following:

"20.30.130 Procedures for sale and rental of MPDUs.

A. Procedures for Sale or Rental of MPDUs.

1. Every MPDU required under this chapter must be rented or sold to eligible persons to be used for his or her own residence.

2. Before offering any MPDUs for sale or rent, the applicant must notify the Department of Planning and Zoning of the proposed offering and the date on which the applicant will be ready to begin marketing to eligible persons. The notice must include:

- a. Whether the units will be sold or rented;
- b. The number of units offered;
- c. The number of bedrooms;
- d. The floor area for each unit type;
- e. A description of the amenities offered in each unit and a statement of the availability of each unit for sale or rent;
- f. A vicinity map of the offering; and
- g. Other information or documents as the Department of Planning and Zoning finds necessary to determine compliance with this chapter. This notice by the Department of Planning and Zoning shall be issued within thirty days of the date from which the applicant first submitted its notice to commence marketing.

3. The Department of Planning and Zoning will maintain a list of eligible persons and must notify eligible persons by mail and by newspaper prior to the start of the marketing period.

4. An applicant must not sell or rent any unit to a qualified person as defined in this chapter until such person has obtained a certificate of eligibility issued by the Department of Planning and Zoning from the buyer or lessee. A copy of each certificate must be maintained on file by the Department of Planning and Zoning.

5. Ninety days after the start of the marketing period, the Department of Planning and Zoning may purchase a for sale MPDU if no eligible person has entered into a purchase agreement or contracted to buy that MPDU. The Department of Planning and Zoning shall only rent or sell the MPDU to an eligible person.

6. The deposit required with the sales contract for the purchase of an MPDU shall not exceed \$1,000.

6 7. Every buyer or renter of an MPDU must occupy the unit as his or her primary residence during the control period. Each buyer and renter must certify before taking occupancy that he or she will occupy the unit as his or her primary residence during the occupancy period. The Director of Planning and Zoning may require an owner who does not occupy the unit as his or her primary residence to offer the unit for resale to an eligible person under the resale provisions of Section 20.30.140. Every MPDU required under this chapter must be offered to the general public for sale or rental to a good-faith purchaser or renter to be used for his or her own primary residence, except units offered for sale or rent to a non-profit corporation, whose purpose is to provide housing for persons of moderate income.

7 8. An owner of an MPDU may not rent the unit unless the renter is an eligible person, and the rental is approved in writing by the Department of Planning and Zoning annually.

8 9. Any rent obtained for a MPDU that is rented to an ineligible person must be paid into the homeownership assistance trust fund by the owner within ninety days after the Department of Planning and Zoning notifies the owner of the rental violation. Any amount unpaid after ninety days is grounds for the Department of Planning and Zoning to assess a monthly fee that is equal to the HUD fair market rent for the MPDU."

Amendment #4

On page 1 strike lines 13 through 16 and substitute the following:

"FOR the purpose of expanding eligibility for Moderately Priced Dwelling Units (MPDUs) from teachers in schools located only within the City's boundaries to all teachers at any school located in the Annapolis Senior High School district; making condominium conversions approved after the effective date June 14, 2004 subject to MPDU requirements; capping the sales contract deposit at \$1,000 for the purchase of an MPDU; and all matters generally relating to said eligibility for MPDUs."

On page 1 strike lines 18 and 19 and substitute the following:

"BY repealing and re-enacting section 20.30.020 the following of the Code of the City of Annapolis, 2005 2006 Edition:

Section 20.30.020

Section 20.30.030

Section 20.30.130"

Amendment #5

[Present legislation limits MPDUs to eligible persons with incomes of 80 percent or less of the family median income for the Baltimore Metropolitan Statistical Area. This means that to be eligible under current legislation, a family of four needs to make \$57,750 or less. The proposed amendment would change the 80 percent to 100 percent thus setting a maximum income of \$72,200. This would allow more families to financially qualify for affordable housing. At present, 26 persons are on the affordable housing waiting list maintained by P&Z. However, the 1901 West Street project just coming on line has 36 affordable housing units for sale. So at present, supply exceeds demand.]

On page 2, in line 21, strike "eighty" and substitute "one hundred"

Amendment #6

On page 2, strike lines 30 through 33 and substitute the following:

“4. (a) Is a city resident or has been employed within the City for at least the past twelve months prior to applying for a certificate of eligibility under section 20.30.100, or
(b) Is in the employ of the City of Annapolis beyond their probationary period, or
(d) Is a full-time teacher or staff member in an elementary, middle or high school within the City limits or in any school that is included in the Annapolis Senior High School district as defined by Anne Arundel County Public Schools.

Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Cohen moved to adopt O-37-05 amended on third reading. Seconded. CARRIED on voice vote.

O-01-06 For the purpose of authorizing a lease of certain municipal property located in the general harbor, Dock Street and Edgewood Road areas to United States Yacht Shows, Inc. and Annapolis Boat Shows, Inc., bodies corporate, for a certain period of time in October 2010, subject to certain terms, provisions and conditions, for the purpose of conducting boat shows; and all matters relating to said lease.

- Alderman Cohen moved to adopt O-01-06 on second reading. Seconded.

The Economic Matters Committee reported favorably with amendments on O-01-06.

- Alderman Cohen moved to amend O-01-06 as follows:

Amendment #1

On page 5, in line 37, after “each show, representatives of the” insert “Department of Neighborhood and Environmental Programs” and

On page 5, in line 41, strike “three” and substitute “these”

Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Cohen moved to adopt O-01-06 amended on third reading. Seconded. CARRIED on voice vote.

O-02-06 For the purpose of authorizing for fiscal year 2012 the lease of certain municipal property located at the City Dock to Chesapeake Marine Tours, Inc. for the docking and mooring of certain boats at the City Dock; and all matters relating to said lease.

- Alderman Shropshire moved to adopt O-02-06 on second reading. Seconded.

The Economic Matters Committee reported favorably on O-02-06.

The main motion CARRIED on voice vote.

- Alderman Stankivic moved to adopt O-02-06 on third reading. Seconded. CARRIED on voice vote.

O-03-06 For the purpose of deleting the exemption from a grading permit for new single family homes when land disturbing activities are less than 5,000 square feet; amending the current regulation to require stabilization immediately upon the back filling of a foundation; and matters generally relating to said sediment and erosion control.

- Alderman Cohen moved to adopt O-03-06 on second reading. Seconded.

The Economic Matters Committee reported favorably on O-03-06.

The main motion CARRIED on voice vote.

- Alderman Stankivic moved to adopt O-03-06 on third reading. Seconded. CARRIED on voice vote.

RESOLUTIONS

R-03-06 For the purpose of providing an exemption allowing the sale of arts related merchandise in the Historic District at the First Sunday events to be held the first Sunday of each month from May through October 2006, on West Street; waiving certain fees associated with City services in conjunction with these events; and all matters relating to said First Sunday events.

- Alderman Isreal moved to postpone R-03-06 and to schedule a Public Hearing for March 27, 2006. Seconded. CARRIED on voice vote.

R-05-06 For the purpose of waiving the fees for City services to be provided in connection with the Maryland Avenue Spring Fling to be held April 30, 2006, and the Maryland Avenue Annual Street Festival to be held on September 24, 2006, and all matters relating to the waiver of fees.

- Alderman Isreal moved to postpone R-05-06 and to schedule a Public Hearing for March 27, 2006. Seconded. CARRIED on voice vote.

R-06-06 For the purpose of awarding a supplemental retirement benefit of Two Hundred Fifty Dollars (\$250) per month to Eugene Griffith pursuant to the provisions of Article VIII, Section 5 of the Charter of the City of Annapolis; and all matters relating to said supplemental retirement benefit.

- Alderman Cohen moved to adopt R-06-06 on second reading. Seconded. CARRIED on voice vote.

R-08-06 For the purpose of authorizing the filing applications with the Mass Transit Administration of the Maryland Department of Transportation for grants under the Federal Transit Act.

- Alderman Cohen moved to adopt R-08-06 on first reading. Seconded. CARRIED on voice vote.

R-09-06 For the purpose of recognizing Deborah Heinbuch for her many accomplishments over her sixteen years of service to the citizens of the City of Annapolis; expressing the City's deepest appreciation and admiration for her commitment to public service; and all matters relating to said recognition.

- Alderman Cohen moved to adopt R-09-06 on first reading. Seconded. CARRIED on voice vote.

There being no voiced objection, the rules were suspended to allow passage of the resolution at the meeting of its introduction.

- Alderwoman Hoyle moved to adopt R-09-06 on second reading. Seconded. CARRIED on voice vote.

R-11-06 For the purpose of affirming the President's proclamation that March is designated as "Women's History Month and that the City Council encourages the holding of workshops and seminars that highlight the many historic contributions that women have made to our City, our County, our State and our Nation.

- Alderwoman Hoyle moved to adopt R-11-06 on first reading. Seconded. CARRIED on voice vote.
- Alderwoman Hoyle move a technical amendment to R-11-06 as follows:

On page 1, in lines 39 and 40, strike "Marjorie Holt, Maryland's first women elected to the U. S. House of Representatives" and substitute " Marjorie Holt, the first woman elected to the U. S. House of Representatives from Maryland's 4th District that included Annapolis"

Seconded. CARRIED on voice vote.

There being no voiced objection, the rules were suspended to allow passage of the resolution at the meeting of its introduction.

- Alderman Cohen moved to adopt R-11-06 amended on second reading. Seconded. CARRIED on voice vote.

SAMARAS ANNEXATION

R-10-06 For the purpose of annexing into the boundaries of the City of Annapolis certain property which is contiguous to the existing boundary of the City and is generally located on the southwest side of Bay Ridge Road across the street from where Georgetown Road intersects with Bay Ridge Road; and matters generally related to said annexation.

- Alderman Cohen moved to adopt R-10-06 on first reading. Seconded. CARRIED on voice vote.

Referred to the Planning Commission and Rules and City Government Committee.

O-12-06 For the purpose of establishing a zoning classification of B2, Community Shopping, for certain property which is contiguous to the existing boundary of the City, is generally located on the southwest side of Bay Ridge Road across the street from where Georgetown Road intersects with Bay Ridge Road; and matters generally related to said zoning map amendment.

- Alderman Shropshire moved to adopt O-12-06 on first reading. Seconded. CARRIED on voice vote.

Referred to the Planning Commission and Rules and City Government Committee.

BUSINESS AND MISCELLANEOUS

1. Appointments

- Alderman Cohen moved to approve the Mayor's appointment & reappointments of the following individuals:

03/13/06 Commission on Aging	Catherine Stavely
03/13/06 Commission on Aging	Nancy B. Jones Williams
03/13/06 Commission on Aging	Mary Rose Brummel
03/13/06 Commission on Aging	Douglas Lamborne
03/13/06 Commission on Aging	Mary C. Brown
03/13/06 Environmental Commission	John S. Cox
03/13/06 Environmental Commission	Clark Rachfal

Seconded. CARRIED on voice vote.

2. Ratification of Memorandum of Understanding Between the City of Annapolis and United Food & Commercial Workers, Local 400

- Alderman Cordle moved to approve the Ratification of Memorandum of Understanding Between the City of Annapolis and United Food & Commercial Workers, Local 400. Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 11:35 p.m.

Regina C. Watkins-Eldridge, CMC
City Clerk